



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Marc ALIZON et al.

**Application No.: 09/988,213**

Filed: November 19, 2001

For: Nucleic Acids Containing the Human Immunodeficiency Virus Type 2 (HIV-2) Pol Gene And A Method for Producing a Polypeptide Encoded By The Nucleic Acids (Amended Title)

) Group Art Unit: 1648

) Examiner: Parkin, J.

Commissioner for Patents and Trademarks  
Washington, DC 20231

**Sir:**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of this application.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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Document EP 0 316 695, published March 31, 1993, is in German. An English translation of the claims is given at pages 20-23 of the document.

Document *Clavel et al.*, "LAV Type II: A Second Retrovirus Associated with AIDS in West Africa, C.R. Acad. Sc. Paris, Série III, 302, pp. 485-488 (1986), is in French. An English language Abstract is provided on the first page of the document.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 19, 2002

By: Rebecca McNeill  
Rebecca M. McNeill  
Reg. No. 43,796

# INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

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Atty. Docket No.	03495.0050-16	Serial No.	09/988,213
Applicant	Marc ALIZON et al.		
Filing Date	November 19, 2001	Group:	1648

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,629,783	12/16/86	Cosand	530	324	
	4,839,288	06/13/89	Montagnier et al.	435	235	
	5,079,342	01/07/92	Alizon et al.	530	324	
	5,670,309	09/23/97	Norrby et al.	435	5	

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
WO 85/04897	11/7/85	PCT			
WO 97/05242	02/13/97	PCT			
0 316 695	03/31/93	Europe			English claims (p. 20-23)

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	<i>Allan et al.</i> , Major glycoprotein antigens that induce antibodies in AIDS patients are encoded by HTLV-III, Science 228:1091-4 (1985).
	<i>Barin et al.</i> , Serological evidence for virus related to simian T-lymphotropic retrovirus III in residents of West Africa, The Lancet 2:1387-9 (1985).
	<i>Chang et al.</i> , Detection of antibodies to human T-cell lymphotropic virus-III (HTLV-III) with an immunoassay employing a recombinant <i>Escherichia coli</i> -derived viral antigenic peptide, Bio/technology 3:905-9 (1985).
	<i>Clavel et al.</i> , Isolation of a new human retrovirus from West African patients with AIDS, Science 233:343-6 (1986).
	<i>Clavel et al.</i> , LAV Type II: a second retrovirus associated with AIDS in West Africa, C.R. Academy Sc. Paris, t. 302, Série III, n° 13, 1986. (English abstract)

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

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Applicant	Marc ALIZON et al.		
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	<i>Clavel et al.</i> , Molecular cloning and polymorphism of the human immune deficiency virus type 2, <i>Nature</i> 324:691-5 (1986).
	<i>Daniel et al.</i> , Isolation of T-cell tropic HTLV-III-like retrovirus from macaques, <i>Science</i> 228(4704):1201-4 (1985).
	<i>Gallo et al.</i> , HIV/HTLV gene nomenclature, <i>Nature</i> 333(6173):504 (1988).
	<i>Gao et al.</i> , Genetic diversity of human immunodeficiency virus Type 2: evidence for distinct sequence subtypes with differences in virus biology, <i>Journal of Virology</i> 68(11):7433-7447 (1994).
	<i>Goodenow et al.</i> , HIV-1 isolates are rapidly evolving quasispecies: evidence for viral mixtures and preferred nucleotide substitutions, <i>Journal of Acquired Immune Deficiency Syndromes</i> 2:344-352 (1989).
	<i>Holland et al.</i> , RNA Virus populations as quasispecies, <i>Current Topics in Microbiology and Immunology</i> 176:1-20 (1992).
	<i>Kanki et al.</i> , Isolation of T-lymphotropic retrovirus related to HTLV-III/LAV from wild-caught African green monkeys, <i>Science</i> 230:951-4 (1985).
	<i>Kanki et al.</i> , Serologic identification and characterization of a macaque T-lymphotropic retrovirus closely related to HTLV-III, <i>Science</i> 228:1199-1201 (1985).
	<i>Klatzmann et al.</i> , T-lymphocyte T4 molecule behaves as the receptor for human retrovirus LAV, <i>Nature</i> 312(5996):767-8 (1984).
	<i>Laurence</i> , Editorial Update: HIV-1 gene nomenclature, <i>AIDS Research and Human Retroviruses</i> 4:vii-viii (1988).
	<i>Mitsuya et al.</i> , Protection of T cells against infectivity and cytopathic effect of HTLV-III <i>in vitro</i> , <i>Retroviruses in Human Lymphoma/Leukemia</i> at 277-288, Japan Sci. Soc. Press, VNU Science Press BV (M. Miwa et al., eds., 1985).
	<i>Sandström et al.</i> , Antiviral therapy in AIDS: clinical pharmacological properties and therapeutic experience to date, <i>Drugs</i> 34:372-90 (1987).

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